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Report of the International Court of Justice

Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 16 of the Revised Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (A/59/372, annex), and is subsequent to the report submitted to the General Assembly at its sixty-second session (A/62/171).

II. Mandate

2. The Trust Fund was established in 1989 under the Financial Regulations and Rules of the United Nations following consultations with the President of the International Court of Justice. In accordance with the Revised Terms of Reference, financial assistance is to be provided to States for expenses incurred in connection with (a) a dispute submitted to the Court by way of a special agreement, on the basis of Article 36, paragraph 1, of its Statute; (b) a dispute submitted to the Court by way of an application on the basis of Article 36, paragraphs 1 and 2, of its Statute, provided certain conditions are fulfilled (see A/59/372, annex, para. 6 (ii)); or (c) the execution of a judgment of the Court.

III. Beneficiaries

3. Subject to the requirements of paragraph 6 of the Revised Terms of Reference, an application for financial assistance from the Fund may be submitted by any State

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Member of the United Nations, any other State party to the Statute of the International Court of Justice or any State not party to the Statute of the Court having complied with Article 35, paragraph 2, of the Statute.

4. On 20 March 2007, the Secretary-General received an application from Djibouti to defray the expenses incurred in connection with proceedings instituted by Djibouti in the International Court of Justice in the case concerning *Certain Questions of Mutual Assistance in Criminal Matters* (Djibouti v. France). On the recommendation of the Panel of Experts established in accordance with paragraph 9 of the Terms of Reference of the Fund, the Secretary-General decided, on 3 October 2007, to award financial assistance to Djibouti in the amount of $290,500, the purpose of which was to defray the following expenses: costs of agents, counsel, experts or witnesses; staff costs; costs of reproduction of maps and production of technical documents; expenses incurred in connection with the memorial, counter-memorial and replies; costs of legal research; and costs incurred in connection with oral proceedings.

5. Upon presentation by Djibouti of the requisite documentation, an initial advance of $136,260 was forwarded on 28 January 2008.

6. During the period under review (1 July 2007 to 30 June 2008), the Fund did not receive any further applications for financial assistance.

IV. Contributions

7. Voluntary contributions to the Fund may be made by States, intergovernmental organizations, national institutions and non-governmental organizations, and by natural and juridical persons.

8. During the period under review, States contributed the following amounts, in United States dollars, to the Fund as follows:

State	*Amount*	*Financial year*
Finland	14 148	2007
Mexico	5 000	2007
Spain	40 338	2007
Venezuela (Bolivarian Republic of)	1 000	2007
United Kingdom of Great Britain and Northern Ireland	59 289	2008
Total	**119 775**	

9. As of 30 June 2008, the total balance of the Fund was $2,575,157.07. That amount includes interest income and excludes awards that have already been paid.

V. Needs assessment

10. The Fund was created with a view to facilitating a decision by parties to a dispute to seek judicial settlement of their dispute through the Court. I am grateful to the Governments of Finland, Mexico, Spain, the United Kingdom of Great Britain

and Northern Ireland and Venezuela (Bolivarian Republic of) for their generous contributions. I note, however, that in the period under review the amount of financial assistance awarded exceeds the amount of contributions by more than double. I also note that the overall number of contributions remains low. I therefore strongly urge all States and other relevant entities to give serious consideration to making substantial contributions to the Fund and to contribute on a regular basis.

VI. How to contribute

11. Voluntary contributions to the Fund can be made by bank transfer or by cheque to the order of the United Nations. Cheques should be sent to:

Cashier's Office
United Nations
New York, NY 10017
United States of America

The cheque should indicate that it is for the "ICJ Trust Fund", account code TJA.

12. For any additional information, please contact Ms. Tara Sarathy in the Office of the Legal Counsel, Office of Legal Affairs (telephone: 1 212 963 5484; fax: 1 212 963 6430).